

## REMARKS

In the Office Action, the Examiner objected to the drawings because "in line 1 of paragraph [0036] of the application publication element number "98" is used to designate a cavity, however, in figure 2 element number "98" appears to be directed to a bolt. Also in figure 2 element number 56 points to a curved portion of the air spring but in the remarks filed 2/28/05 Applicant admitted that "56" was a planar surface" and requested correction of drawing sheets in compliance with 37 CFR 1.121(d)".

Corrected Figures 2 and 3, now in compliance with objections and requirements stated *supra*, are submitted therewith. Accordingly, the Examiner is respectfully requested to withdraw her objection to the drawings.

Next, the Examiner rejected Claims 19-21 under 35 U.S.C. 102(b) as being anticipated by US Patent 6116385 to Ring.

Re: claim 19 the Examiner stated, "Ring shows in figures 1 and 3 an actuating member for a railway vehicle brake assembly, such railway vehicle brake assembly having an air bag actuator 58 incorporated therein, said actuating member comprising: a first substantially vertically disposed plate like member or right side of element 50, said first substantially vertically disposed plate like having a first substantially planer surface shown in the area of the lead line of number 51 engageable via

intervening elements with a first surface shown in the area of the lead line of number 88 of a second substantially vertically disposed plate like member shown in the area of element number 83 attached to such air bag actuator, a substantially horizontally disposed plate like member shown in the area of the lead line of number 84 connected to the first substantially vertically disposed plate like member adjacent a bottom edge thereof and extending substantially perpendicular to the first planar surface of the first vertically disposed plate member for shielding at least a first portion of the air bag actuator from foreign material as shown, and a means shown at the left end of element 60 connected to a radially opposed second surface of the first vertically disposed plate like member via intervening elements for securing the actuating member to a control linkage (or element connected to the left end of element 60 shown in figure 1) of the assembly".

Re: claim 20 the Examiner stated, "Ring shows in figure 3 the limitation wherein the actuating member further includes a first plate member 82 connected to an upper surface of the substantially horizontally disposed member and to the first planar surface of the first substantially vertically disposed plate like member adjacent a first side edge thereof and extending substantially perpendicular thereto for shielding at

least a second portion of the air bag actuator from foreign material and for providing added strength".

Re: claim 21 the Examiner stated, "Ring shows the invention as set forth in the rejection of claim 1 above and shows a guide means (upper portions of 74, the upper portion of thin piece directly connected to element 74, and the upper connector connecting the thin piece to element 74) the thin L-shaped piece of which directly connected to and disposed closely adjacent a first outer edge of substantially perpendicular (the horizontal part of the L- shape) to the planar surface portion of the first vertically disposed plate member for guiding and alignment and a securing means 82 connected to the first substantially vertically disposed plate member for enabling attachment to a rigid structure. In claim 9 the means connected to a radially opposed second surface of the first substantially vertically disposed plate like member is element 61".

The Examiner fully considered Applicant's arguments with regards to claims 19-21 which were filed on 11/25/05 but found them as not persuasive. The Examiner stated, "Claim 19 recites that 'said at least one inflatable air bag spring at least partially exposed within such railway car mounted brake assembly.' Examiner notes that as shown in figure 3 of Ring the at least one inflatable air bag 59 (the inside of which) is at

least partially exposed via element 64 within such railway car mounted brake assembly".

For the sake of clarity, claim 19 has been amended and now specifically recites a limitation "...wherein an exterior surface of said at least one inflatable air bag spring is at least partially exposed within such railway car mounted brake assembly". The support for this limitation is best shown in FIGS. 1-2.

It is Examiner's own admission that the inside of the air bag (59) of Ring exposed via element (64) within such railway car mounted brake assembly. Therefore, the invention of claim 19 is patentably distinct from US Patent 6116385 to Ring.

Claims 20-21 find their dependency back to Independent Claim 19 and are therefore believed allowable.

Accordingly, the Examiner is respectfully requested to withdraw her rejection of claims 19-21 under 35 U.S.C. 102(b) as being anticipated by US Patent 6116385 to Ring.

Further in the Office Action, the Examiner rejected Claims 1-4, 6-13, and 18 under 35 U.S.C. 103(a) as being unpatentable over US Patent 6116385 to Ring in view of US Patent 6142480 to Streitman et al.

The Examiner stated, "Re: claim 1. Ring shows in figures 1 and 3 an actuating member for a railway vehicle brake assembly, such railway vehicle brake assembly having an air bag

actuator 58 incorporated therein, said actuating member comprising: a first substantially vertically disposed plate like member or right side of element 50, said first substantially vertically disposed plate like having a first substantially planer surface shown in the area of the lead line of number 51 engageable via intervening elements with a first surface shown in the area of the lead line of number 88 of a second substantially vertically disposed plate like member shown in the area of element number 83 attached to such air bag actuator, a substantially horizontally disposed plate like member shown in the area of the lead line of number 84 connected to the first substantially vertically disposed plate like member adjacent a bottom edge thereof and extending substantially perpendicular to the first planar surface of the first vertically disposed plate member for shielding at least a first portion of the air bag actuator from foreign material as shown, and a means shown at the left end of element 60 connected to a radially opposed second surface of the first vertically disposed plate like member via intervening elements for securing the actuating member to a control linkage (or element connected to the left end of element 60 shown in figure 1) of the assembly.

Ring is silent with regards to the operating environment being characterized by a presence of detrimental extraneous foreign material.

Streitman et al. teach in col. 1 the use of a railway vehicle brake being in the environment characterized by a presence of detrimental extraneous foreign material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a surrounding environment characterized by detrimental extraneous foreign material, as taught by Streitman et al., since it is old and well-known in the art that railway vehicle's produce emissions that are byproducts of the generated power for the vehicle.

Re: claim 2. Ring shows in figure 3 the limitation wherein the actuating member further includes a first plate member 82 connected to an upper surface of the substantially horizontally disposed member and to the first planar surface of the first substantially vertically disposed plate like member adjacent a first side edge thereof and extending substantially perpendicular thereto for shielding at least a second portion of the air bag actuator from foreign material and for providing added strength.

Re: claim 3. Ring shows in figure 3 the limitation wherein the actuating member further includes a second plate like member 31 connected to the upper surface of the substantially horizontally disposed member via intervening elements and to the first planer surface of the first substantially vertically

disposed plate like member adjacent a second side edge thereof and extending substantially perpendicular thereto for shielding at least a third portion of the air bag actuator from foreign material and for providing added strength.

Re: claims 4 and 8. Ring shows in figure 3 the limitation wherein the first vertically disposed plate member includes at least one mounting aperture 64 formed therethrough. Or in an alternate interpretation the first vertically disposed member can be element 83 and the mounting aperture can be element 86.

Re: claims 6, 9, and 10. Ring shows the invention as set forth in the rejection of claim 1 above and shows a guide means (upper portions of 74, the upper portion of thin piece directly connected to element 74, and the upper connector connecting the thin piece to element 74) the thin L-shaped piece of which directly connected to and disposed closely adjacent a first outer edge of substantially perpendicular (the horizontal part of the L-shape) to the planar surface portion of the first vertically disposed plate member for guiding and alignment and a securing means 82 connected to the first substantially vertically disposed plate member for enabling attachment to a rigid structure. In claim 9 the means connected to a radially opposed second surface of the first substantially vertically disposed plate like member is element 61.

Re: claim 7. Ring shows in figure 3 a pair of guide means 72,74, a second one of the pair of guide means (the lower portions of 74, the lower portions of thin piece directly connected to element 74, and the lower connector connecting the thin piece to element 74) disposed closely adjacent a second outer edge of and substantially perpendicular to the planar surface portion of the first vertically disposed plate member.

Re: claims 11 and 12. Ring shows in figure 3 a means or shoulder 56 for limiting reciprocal motion of the air spring actuator.

Re: claim 13. Ring shows in figure 3 an air inlet 64 in communication with the at least one air bag spring 59.

Re: claim 18. Ring shows in figure 3 wherein the air spring actuator assembly further includes means 62,64 disposed therein for controlling volume of air in the at least one air bag spring".

With regard to Independent Claims 1, 6, and 9, each of such claims now specifically recites a limitation "...exposing at least a first portion of an exterior surface of such air bag actuator to an operating environment characterized by a presence of detrimental extraneous foreign material". The support for this limitation is best shown in FIGS. 1-2.

With further regard to Independent Claims 1 and 9, the combination of Ring and Streitman et al would have suggested to



those of ordinary skill in the art to use a "resilient disk-like member having each of a first predetermined diameter and a predetermined thickness and further including a pair of radially opposed and substantially flat parallel side portions" (see abstract and figures of Streitman et al) to shield a portion of an exterior surface of the airbag actuator.

Such combination teaches away from the present inventions of Independent Claims 1 and 9 wherein a plate like member is used for shielding such exterior surface of the airbag actuator.

With further regards to Independent Claim 6, the combination of Ring and Streitman et al is moot as to presence of an exposed exterior surface.

Accordingly, the Examiner is respectfully requested to withdraw her rejection of Independent Claims 1, 6, and 9 under 35 U.S.C. 103(a) as being unpatentable over US Patent 6116385 to Ring in view of US Patent 6142480 to Streitman et al.

It is further requested that the Examiner note that Claims 2-4 find their dependency back to Independent Claim 1 and that Claims 7-8 find their dependency back to Independent Claim 6 and that Claims 10-13 and 18 find their dependency back to Independent Claim 9 and are therefore believed allowable.

With regards to the rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Ring in view of Streitman et al. as applied to claim 1 above, and further in view of US

Patent 6267043 to Plantan et al, such claim finds its dependency back to Independent claim 1 and is therefore believed allowable.

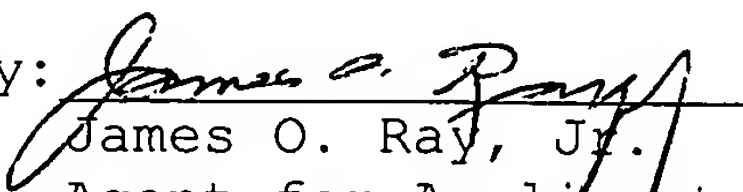
With regards to the rejection of claims 16 and 17 under 35 U.S.C. 1 03(a) as being unpatentable over Ring in view of Streitman et al. as applied to claim 9 above, and further in view of US Patent 4846785 to Cassou et al, such claims find their dependency back to Independent claim 9 and is therefore believed allowable.

In view of the above amendments to the drawings, claims and the remarks associated therewith, Applicant believes that Independent claims 1, 6, 9, and 19 are in a condition for allowance and such allowance by the Examiner is respectfully requested. Since it is believed that Independent Claims 1, 6, 9, and 19 are in condition for allowance, their dependent claims further providing limitations are also in a condition for allowance.

In the event the Examiner has further difficulties with the election, he is invited to contact the undersigned agent by telephone at 412-380-0725 to resolve any remaining questions or

issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

By:   
James O. Ray, Jr.  
Agent for Applicant  
Registration No. 27,666

JAMES RAY & ASSOCIATES  
2640 PITCAIRN ROAD  
MONROEVILLE, PA 15146

TELEPHONE: 412-380-0725  
FACSIMILE: 412-380-0748